

BAKER DECLARATION

EXHIBIT B

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

STATE OF WASHINGTON,)	
)	No. 17-cv-05806-RJB
Plaintiff,)	
)	
vs.)	
)	
THE GEO GROUP, INC.,)	
)	
Defendant.)	
)	
)	

30(b)(6) DEPOSITION UPON ORAL EXAMINATION OF
COLLEEN MELODY
August 10, 2018
Fircrest, Washington

Taken Before:

Laura A. Gjuka, CCR #2057
Certified Shorthand Reporter

A P P E A R A N C E S

For the Plaintiff:

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Also Present:

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1 referenced internal attorneys. Were the processes
2 involving outside attorneys?

3 A I don't understand.

4 Q Did you have action on this matter prior to opening your
5 Timekeeping system that involved attorneys who were not
6 employed by the AG?

7 A Almost certainly. I mean, yes. The answer to that is
8 yes.

9 Q who?

10 MS. CHIEN: Objection, work product. You
11 can answer to the extent not privileged.

12 THE WITNESS: Part of the job duties of
13 attorneys in the civil rights unit is to take outreach
14 meetings that are requested by external people,
15 individuals external to the Attorney General's Office.
16 That has included outreach meetings with attorneys and
17 non-attorneys about conditions affecting workers in
18 Washington, conditions affecting vulnerable populations
19 in Washington, and general civil rights complaints or
20 concerns that people have.

21 That outreach work has been ongoing since the civil
22 rights unit was established in January 2015. And
23 frequently during these outreach meetings,
24 conditions/issues involving the Northwest Detention
25 Center are raised, among a whole host of other issues

1 that commonly come up at these outreach meetings that
2 are sometimes connected to and sometimes wholly
3 unconnected to the Northwest Detention Center.

4 BY MS. MELL:

5 Q Is there a standing outreach meeting for the Northwest
6 Detention Center?

7 A No. That our office is involved in, no.

8 Q So what outside attorneys have you had an outreach
9 meeting with specific to this matter?

10 MS. CHIEN: Objection, work product and
11 common interest privilege. You can answer to the extent
12 not privileged.

13 THE WITNESS: I don't know that we have
14 had an outreach meeting specific to the Northwest
15 Detention Center where our attorneys have sought out or
16 created a meeting specific to this matter, at least
17 before the investigation started. Certainly once we
18 started investigating we were asking more specific
19 questions about the practices at NWDC. But prior to
20 that we wouldn't have had specific outreach meetings
21 about NWDC. We do take meetings with groups, as part of
22 their portfolio, represent or advocate for the rights of
23 immigrants and also the rights of workers, and in those
24 outreach meetings NW comes up a fair amount.

25 BY MS. MELL:

1 Q Okay. So with regard to this case, who did you meet
2 with prior to opening the matter?

3 MS. CHIEN: Objection, work product and
4 common interest. You can answer to the extent not
5 privileged.

6 THE WITNESS: So prior to opening this
7 case, we didn't have a case to meet with them about. We
8 would have done outreach meetings that would have
9 invited them to share with us issues of concern in the
10 areas in which they work.

11 So, for example, when we take outreach meetings at
12 the request of Disability Rights Washington, we invite
13 them to tell us the issues of concern to Disability
14 Rights Washington, and then we talk with them to see if
15 there is any role that the State may have in improving
16 conditions for people with disabilities in Washington
17 state. So it's not an outreach meeting about the
18 Northwest Detention Center, it's an outreach meeting
19 about the work of the organization with whom we're
20 meeting.

21 BY MS. MELL:

22 Q All right. Who did you meet with and have any
23 communications with about minimum wages at the Northwest
24 Detention Center prior to opening a number in
25 Timekeeping in this case?

1 A We met with lots of organizations about concerns about
2 labor practices at the Northwest Detention Center or
3 those concerns were raised as part of the meeting. They
4 include legal aid organizations in Washington that
5 represent detainees or former detainees or their
6 families, or they advocate for detention condition
7 improvements. So those would be the Northwest Justice
8 Project, Columbia Legal Services, Disability Rights
9 Washington, the ACLU of Washington, the Northwest
10 Immigrants Right Project. And attorneys in the private
11 bar who, either just as a private representational
12 matter or through their membership in the American
13 Immigration Law Association, represent people who are
14 current or former detainees at NWDC.

15 On the nonlegal side, there are a number of groups
16 that raise concerns about the Northwest Detention
17 Center, including One America, the Northwest Detention
18 Center Resistance, and the UW and Seattle U Human Rights
19 Clinics, which do legal and nonlegal work. We've met
20 with Consejo Latino, the Commission on Hispanic Affairs,
21 the Washington State Human Rights Commission, the
22 Washington Defender Association Immigration Project, and
23 probably a number of others. It's a large detention
24 facility in Tacoma, and it affects a lot of folks in
25 Washington state.

1 Q So can you tell me who you met with and discussed wages
2 at the Northwest Detention Center prior to opening a
3 matter in Timekeeping?

4 MS. CHIEN: Objection, work product,
5 common interest privilege. You can answer to the extent
6 not privileged.

7 THE WITNESS: It's the same groups that I
8 just gave you.

9 BY MS. MELL:

10 Q How about names of people?

11 A Oh, individuals?

12 Q Yeah.

13 A I can't do that. I can tell you that just because I
14 don't -- I don't know everybody who was present at each
15 of those meetings. Outreach is something that we do as
16 a standing part of our job. So these meetings happen
17 frequently. And Northwest Detention Center conditions
18 come up so frequently that I could never itemize all of
19 the people that were at each one of the meetings that we
20 took.

21 So, you know, when we meet with the Northwest
22 Justice Project, for example, we do that several times a
23 year, and we invite them to bring whoever they would
24 like to those meetings. We bring different members of
25 our staff, and we talk to them about issues of concern

1 to them. The participants are different every time.
2 The meetings are quarterly or more. And I could not
3 enumerate for you the names of everybody who attended
4 those meetings, starting with the civil rights unit, and
5 filing this particular lawsuit.

6 Q who can you recall at this time?

7 MS. CHIEN: Same objection, work product
8 and common interest.

9 THE WITNESS: I can't tell you -- I don't
10 know, I can't tell you which of the meetings that we
11 attended with the Northwest Justice Project, for
12 example, when this issue of labor practices at the
13 Northwest Detention Center did or didn't come up. We
14 hear about these issues so often that we were very
15 familiar with the complaints that legal and nonlegal
16 advocacy groups had. And it wasn't as if we were
17 documenting during our outreach meetings all of the
18 issues as they were raised, along with a list of
19 participants. That's just not how we do those meetings.

20 BY MS. MELL:

21 Q Do you have any recollection of any person you've talked
22 to?

23 MS. CHIEN: Same objections.

24 THE WITNESS: About the minimum wage
25 issues at the --

1 because they think they might be matters for
2 enforcement, matters of legislation.

3 We receive contacts from law enforcement partners in
4 police departments and sheriff's offices. Individuals
5 contact us all the time.

6 BY MS. MELL:

7 Q What is the process for deciding what matter to take --
8 who was involved in the decision to take enforcement
9 action?

10 A Enforcement action by the civil rights unit?

11 Q Yes.

12 A Well --

13 MS. CHIEN: Objection, work product. You
14 can answer to the extent not privileged.

15 THE WITNESS: And part of it involves
16 communication with our client, the attorney general. So
17 without specifying, you know, sort of too much of that,
18 when we develop a matter through investigation, the
19 civil rights unit makes a formal recommendation. Any
20 time we seek to file litigation, there is a formal
21 recommendation and review process that we engage in.

22 Attorneys in the office summarize the results of
23 their investigation for me. I review investigation --
24 I'm sorry, litigation recommendations, as well as the
25 deputy attorney general who is my supervisor. And then

1 members up the chain from that also have review
2 authority before litigation is commenced.

3 BY MS. MELL:

4 Q Does the civil rights unit file litigation without
5 Bob Ferguson's approval?

6 MS. CHIEN: Objection, attorney-client
7 privilege. work product. You can answer to the extent
8 not privileged.

9 THE WITNESS: Yes. There have been times
10 that we have done that where the authority rests with
11 the civil rights unit. But it's a matter-by-matter
12 determination.

13 BY MS. MELL:

14 Q So no matter what, you have to ask whether or not you
15 can do that?

16 A No. There are certain classes of matters that we have
17 been given authority to pursue without additional
18 review.

19 Q Okay. What are those?

20 A We represent the Washington State Human Rights
21 Commission in enforcement matters for that agency, for
22 example. There are other matters that are
23 non-litigation matters that we pursue and that are
24 significant in scope, but that don't result in formal
25 litigation and don't require a sort of written product

1 Project or Disability Rights Washington that have a more
2 directed focus.

3 But a lot of the groups who brought these issues to
4 our attention, the human rights clinics at the
5 University of Washington, it is a topic area like human
6 rights they are interested in, and within that they have
7 identified conditions at the Northwest Detention Center
8 as part of their interest.

9 Q So the state of Washington is comprised of more than
10 those interest groups, correct?

11 A Sure.

12 Q What did AG Ferguson do to tap into a broader spectrum
13 of interest groups so that he could ascertain whether or
14 not to initiate litigation on behalf of the state of
15 Washington?

16 MS. CHIEN: Objection, misstates the
17 testimony. She did not say that AG Ferguson directed
18 this investigation.

19 MS. MELL: She did say he approved this
20 investigation and the filing of the lawsuits.

21 THE WITNESS: That's not true. So the
22 investigation was Attorney General Ferguson did not
23 approve the opening of the investigation. I do that.
24 So the attorneys recommend an investigation, and they
25 request permission to open the matter through me, with

1 me, and I approved the opening of this investigation.
2 Attorney General Ferguson approved the filing of the
3 lawsuit.

4 BY MS. MELL:

5 Q Okay. So what, other than your recommendation from the
6 investigation, did the Attorney General consider?

7 A I think that's probably privileged because it would have
8 been materials that we as attorneys would have prepared
9 and forwarded him for his review, along with others in
10 the supervising chain, right, including our summaries of
11 the facts, our summaries of the law, and our application
12 of our facts to the law for purposes of recommending
13 litigation.

14 Q Did Attorney General Ferguson consider input from a
15 broader spectrum of individuals who would reflect the
16 citizens of the state of Washington?

17 MS. CHIEN: Objection, work product
18 attorney-client privilege and misstates testimony.

19 THE WITNESS: So I want to answer your
20 question. But built into your question is an assumption
21 that the groups that I've named are somehow a narrow
22 group of interests. And I don't agree with that
23 assumption. I think it's a remarkably broad group of
24 interests. But if there are specific groups that you
25 want to ask whether we met with, that might be a way

C E R T I F I C A T E

I, Laura Gjuka, a Certified Court Reporter in
and for the State of Washington, residing at
University Place, Washington, authorized to administer
oaths and affirmations pursuant to RCW 5.28.010, do
hereby certify;

That the foregoing Verbatim Report of Proceedings
was taken stenographically before me and transcribed
under my direction; that the transcript is a full, true
and complete transcript of the proceedings, including
all questions, objections, motions and exceptions;

That I am not a relative, employee, attorney or
counsel of any party to this action or relative or
employee of any such attorney or counsel, and that I am
not financially interested in the said action or the
outcome thereof;

That upon completion of signature, if required, the
original transcript will be securely sealed and the same
served upon the appropriate party.

IN WITNESS HEREOF, I have hereunto set my hand this
20th day of August, 2018.

Laura Gjuka, CCR No. 2057